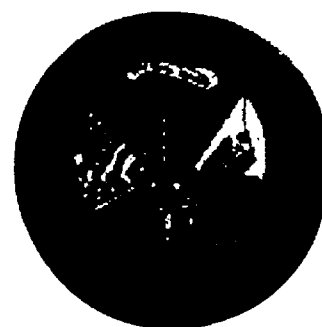


Road Map to Proposed Rule



U.S. ARMY PROPOSED UTAH CHEMICAL AGENT RULE (UCAR) FOR CONSIDERATION BY THE STATE OF UTAH

**Revised Waste Listings,
Land Disposal Restrictions
and Exemptions for
Nonhazardous Wastes**

**PROPOSED RULE
(INCLUDING ROAD MAP)**

Prepared by:

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Department of the Army**

May 1999

**STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE
ADMINISTRATIVE RULEMAKING**

**UTAH ADMINISTRATIVE CODE
R315-1 TO R315-14, R315-50, AND R315-101**

**Revised Waste Listings, Land Disposal Restrictions
and Exemptions for Nonhazardous Wastes**

Action: Proposed Rule

Road Map to Proposed Rule

The introduction to the proposed Utah Chemical Agent Rule (UCAR) indicates that the rule is to become effective 9 months from publication of the final rule. Facilities are required to submit permit modification requests, or modified permit applications (for new facilities), within 9 months of issuance of the final rule. Wastes in storage before the effective date of the rule are not required to carry new waste codes (i.e., they may carry old waste codes). However, new waste codes must be assigned before removal of wastes from storage for treatment or disposal. Provisions of the various parts of the proposed rule are summarized below, and a diagram showing the proposed UCAR decision process is presented in Figure RM-1.

Part R315-2-10. Lists of Hazardous Waste

1. Adopts the U.S. Environmental Protection Agency's (EPA's) Code of Federal Regulations Title 40 (40 CFR) Parts 261.31 and 261.32 (the "F" and "K" lists) by reference.
2. Removes current F999 listing in R315-2-10(e)(1).
3. Adds specific chemical agent associated waste streams to the "K" list in R315-2-10(g), indicates that they are hazardous wastes unless excluded, and specifies that subsequent analyses will only be required for specific chemical(s) that the generator determines, through testing or process knowledge, may be contained in the waste. Also indicates that wastes such as wooden pallets that have come into contact with specific minimally contaminated K-wastes are not considered to meet

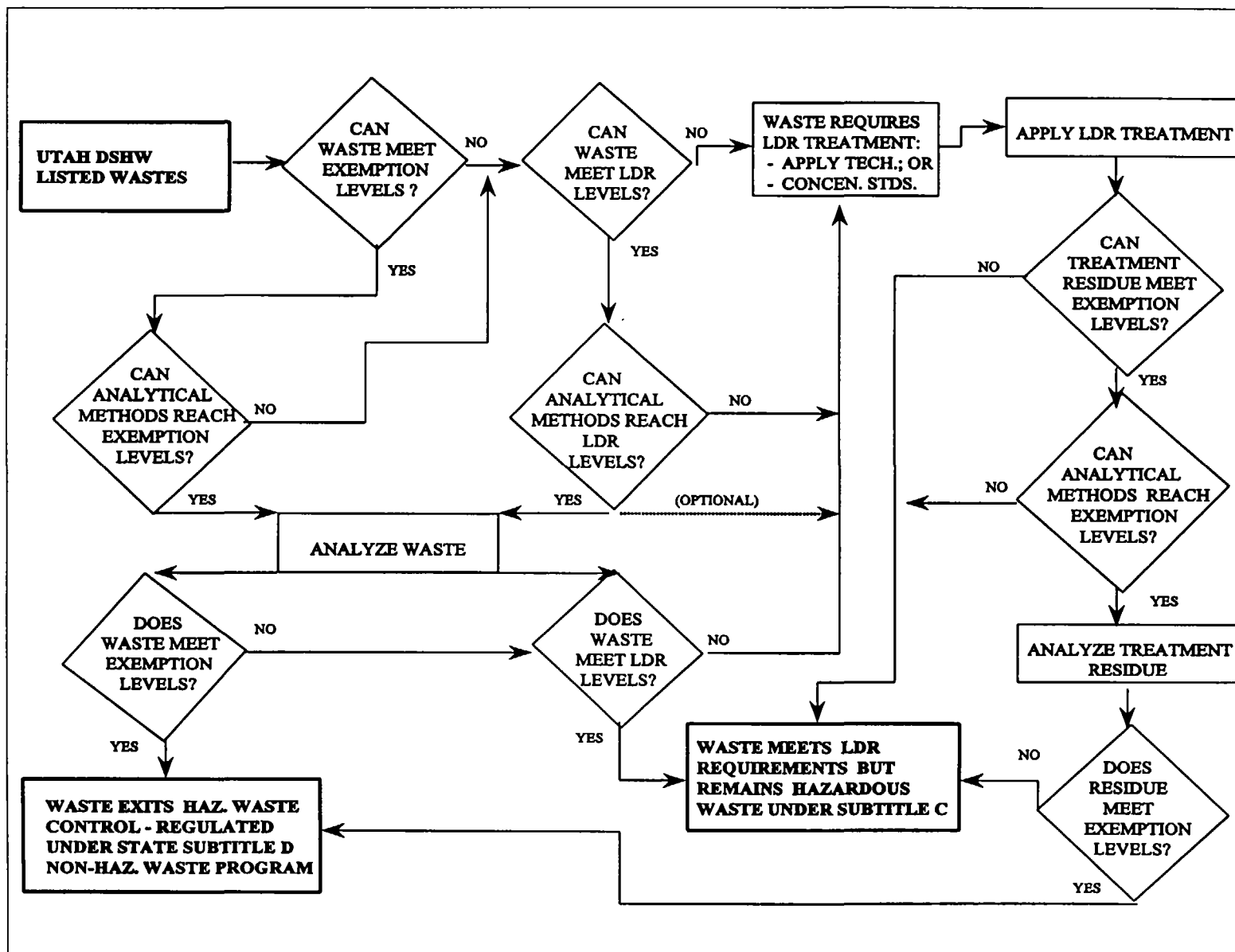


FIGURE RM.1 Proposed UCAR Decision Process

the K-waste listing description. Includes special notations for scrap metal and unknowns, and provides a mechanism for small-volume exclusions.

Part R315-2-11. Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

4. Adopts EPA's 40 CFR 261.33(e) (the "P" list) by reference.
5. Removes current P999 listing in R315-2-11(e)(1).
6. Adds acutely toxic chemicals that are chemical agents and commercial chemical products (including off-specification species, container residues, and spill residues) to the "P" list in R315-2-11(e)(1). Provides an individual P-code for each acutely toxic chemical that is defined as a commercial chemical product. Indicates that the listing only applies to the commercial chemical product; the listing does not include wastes "derived from" the treatment, storage, or disposal of these chemicals. Derived-from wastes will be specifically listed as "K" wastes under R315-2-10(g). Includes special notations for scrap metal and unknowns, and provides a mechanism for small-volume exclusions.
7. Adopts EPA's 40 CFR 261.33(f) (the "U" list) by reference.
8. Adds toxic chemicals that are chemical agents and commercial chemical products (including off-specification species, container residues, and spill residues) to the "U" list in R315-2-11(f)(1). Provides an individual U-code for each toxic (but not acutely toxic) chemical that is defined as a commercial chemical product. Indicates that the listing only applies to the commercial chemical product; the listing does not include wastes "derived from" the treatment, storage or disposal of these chemicals. Derived-from wastes will be specifically listed as "K" wastes under R315-2-10(g). Includes special notations for scrap metal and unknowns, and provides a mechanism for small volume exclusions.

Part R315-2-26. Exemption for Listed Hazardous Wastes Containing Low Concentrations of Hazardous Constituents

9. Establishes standards and criteria (exemption levels) for exemption of chemical agent associated wastes containing low concentrations of hazardous constituents. Exemption applies to wastes classified as nonwastewater solids only, as defined under the proposed waste listings. Defines testing requirements, notices, and other requirements

and includes notations regarding relationship to other hazardous waste rules. Exemption levels are established for all hazardous constituents except for phenylarsazine chloride (DM) and 3-quinuclidinyl benzilate (BZ); DM and BZ wastes would not qualify for the exemption. In addition, the exemption does not extend to hazardous constituents included in this proposed rule that are specifically regulated by EPA (i.e., cyanogen chloride [CK], phosgene [CG], hydrogen fluoride [HF], chloroform, and arsenic).

Part R315-13. Land Disposal Restrictions

10. Adopts EPA's 40 CFR 268 (land disposal restrictions - LDRs), and indicates that the variances available under LDRs for chemical agent associated wastes are subject to evaluation by the State of Utah and not the EPA. Also indicates that nothing in these regulations prohibits the generator of the waste, or treatment, storage, or disposal facilities, from conducting or arranging for the treatment of waste to meet LDR treatment requirements at off-site facilities.
11. Adds a new section for waste-specific prohibitions for chemical agent associated wastes that provides a choice of meeting technology-based LDR standards or concentration-based LDR standards. Indicates that chemical agent associated wastes are prohibited from land disposal unless treated to meet LDRs, or unless the wastes qualify for one of five types of variances (i.e., no-migration variance, treatability variance, capacity variance, small-volume exclusion, and exemption). Also establishes testing requirements for generators, treaters, and disposers, depending on the choice made regarding meeting technology-based LDR standards or concentration-based LDR standards (e.g., no testing requirements when meeting technology-based standards).
12. Adds a new section on technology-based treatment standards and identifies applicable treatment technologies (incineration, chemical neutralization) for chemical agent associated waste streams. Indicates that treatment standards expressed as technologies must be applied for wastes with one or more constituents whose concentration-based treatment standard is below analytical detection limits. Provides an expedited process for incorporating new technologies into the regulations as LDR technologies. Technology-based LDR standards are established for all hazardous constituents except for DM and BZ; the small volume exclusion would be pursued for wastes containing DM or BZ. The rule defers to EPA LDR standards for associated constituents

that are specifically regulated by EPA (i.e., CK, CG, HF, chloroform, and arsenic).

13. Adds a new section on the concentration-based treatment standards for Appendix VII hazardous constituents added to R315-50-9. Indicates that when the exemption level (see new R315-2-26) is higher than the LDR concentration-based standard, the exemption level is applied as the LDR concentration-based standard. In this manner, treatment is not required below levels determined to be protective of human health and the environment. Concentration-based LDR standards are established for all hazardous constituents except for DM and BZ; the small-volume exclusion would be pursued for wastes containing DM or BZ. The rule defers to EPA LDR standards for associated constituents that are specifically regulated by EPA (i.e., CK, CG, HF, chloroform, and arsenic).
14. Adds a section on additional provisions. Waives the storage prohibition identified in 40 CFR 268.50 for chemical agent associated wastes. Adds requirements for processing emerging technologies as LDR technologies.

Part R315-50-9. Basis for Listing Hazardous Wastes

15. Adopts EPA's 40 CFR 261 Appendix VII by reference.
16. Removes all current constituents listed in R315-50-9(1).
17. Identifies chemicals from the list in the new R315-50-10(1) (hazardous constituents) that are the basis for listing each of the specific "K" wastes added in R315-2-10(g).

Part R315-50-10. Hazardous Constituents

18. Adopts EPA's 40 CFR 261 Appendix VIII by reference.
19. Adds new chemicals in R315-50-10 (e.g., chemical agents and by-products/impurities, intermediates, and breakdown products) that are of concern from a toxicological standpoint.

Part R315-50-14. Groundwater Monitoring List

20. Adopts EPA's 40 CFR 264, Appendix IX, Groundwater Monitoring List, by reference.

21. Adds new chemicals to R315-50-14(1) as indicators of groundwater contamination for chemicals listed in R315-50-9.